

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DATE FILED: 2/6/20

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RAQUEL HERRERA ISIDORO, on behalf of :
herself and other similarly situated employees, :
Plaintiff, :
:

v. :

LA FONDA RESTAURANT AND TAPAS :
BAR INC. (d/b/a LA FONDA BO RI CUA), :
DENISSE AYALA GARCIA (a/k/a DENISE :
AYALA), and JORGE AYALA, :
Defendants. :
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ORDER

18 CV 5066 (VB)

Defendant Jorge Ayala's continued excuses for not retaining counsel on behalf of corporate defendant La Fonda Restaurant and Tapas Bar Inc., ("La Fonda") are unavailing. (See undated Ayala letter, Doc. #52). La Fonda has been without counsel since March 6, 2019, and the Court has repeatedly reminded defendants that although individuals may proceed pro se, corporations, partnerships, and limited liability companies may not appear in federal court without counsel. (Docs. ##34, 35, 38, 46). See Lattanzio v. COMTA, 481 F.3d 137 (2d Cir. 2007); Jones v. Niagara Frontier Transp. Auth., 722 F.2d 20, 22 (2d Cir. 1983). Furthermore, a non-attorney cannot act on behalf of a company. See U.S. ex rel. Mergent Servs. v. Flaherty, 540 F.3d 89, 92 (2d Cir. 2008); Iannaccone v. Law, 142 F.3d 553, 558 (2d Cir. 1998). The entry of default judgment is appropriate when a "[corporate defendant] willfully disregard[s] the district court's order." Rodriguez v. Almighty Cleaning, Inc., 784 F. Supp. 2d 114, 124 (E.D.N.Y. 2011) (citing Eagle Assocs. v. Bank of Montreal, 926 F.2d 1305, 1310 (2d Cir. 1991)).

Accordingly, if no attorney has entered an appearance on behalf of defendant La Fonda by the time of the in-person conference scheduled for February 21, 2020, at 10:00 a.m., the Court shall order plaintiff to seek default judgment against La Fonda.

The Court will address the parties' discovery dispute at the February 21 conference. (Docs. ##47, 48, 49, 50, 52).

The Clerk is instructed to mail a copy of this Order to pro se defendants Jorge Ayala and Denisse Ayala Garcia at their addresses listed in the docket.

Dated: February 6, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge